



JON M. HUNTSMAN, JR.
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Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

Division of Oil, Gas & Mining

MICHAEL R. STYLER
Executive Director

JOHN R. BAZA
Division Director

October 21, 2010

CERTIFIED RETURN RECEIPT
7004 2510 0004 1824 7234

John D. Hadfield
TM Crushing, LLC
PO Box 437
Lehi, UT 84043

Subject: In the Matter of Stop Work Conference, Findings, Conclusions and Order for the Talon's Cove Unpermitted Mine, Cessation Order MC-2010-17-09, Utah County, Utah

Dear Mr. Hadfield:

On October 21, 2010 the Utah Division of Oil, Gas and Mining (Division) held a Stop Work Conference at the Division's offices in Salt Lake City, Utah. The following individuals attended: Presiding: Dana Dean, Associate Director, Counsel to the Division Emily Lewis; for the Division Lynn Kunzler, and Peter Brinton; for TM Crushing John Hadfield, MaryLou Wakamatsu, and Tad Moats.

The Findings and Conclusions and Order in this matter are based on information provided in connection with this Stop Work Conference.

FINDINGS & CONCLUSIONS

1. Cessation Order MC-2010-17-09 was issued October 20, 2010 for 'conducting mining operations without first receiving approval or posting a reclamation surety' and required cessation of all mining activities.
2. In a phone call received October 20, 2010 TM Crushing Construction requested a Stop Work Conference.
3. A Stop Work Conference was scheduled for and commenced on October 21, 2010 at 10:00 am, in accordance with R647-6-102.4. (2010)
4. The Talon's Cove pit began as a sand and gravel operation, which is exempted by the Utah Mined Land Reclamation Act.

5. Before beginning the operation, TM Crushing applied for and secured permits with the Eagle Mountain City and Utah County.
6. The Talon's Cove pit began mining into bedrock sometime in the past six months.
7. Mr. Hadfield knew that a hard rock operation that transitioned from sand and gravel to mining needed a permit, but was under the impression that the City's permit superseded the Division's authority. He was also unaware of how the Division distinguishes between a mine and a sand and gravel operation.
8. Mr. Haddock did not dispute the fact of the violation, and was genuinely interested in bringing the operation into compliance as soon as possible.
9. The Division recommended that TM Crushing seek permitting advice before beginning any new operations.
10. It is concluded by the Conference Officer that the Cessation Order is affirmed with the following conditions and allowances.

ORDER

- Cessation Order MC-2009-17-09, issued October 20, 2010, is hereby affirmed.
- The mine may operate as usual from 11:00 am MDT on Thursday October 21, 2010 to 6:00 pm MDT on Monday October 25, 2010.
- No further mining activities shall be allowed beyond 6:00 pm MDT on October 25, 2010 until the following are posted with the Division:
 1. A map delineating the separation between exempted operations and mining activities. (The map should clearly indicate which stockpiles, products, equipment, roads, etc. are used in or are a product of the hard rock mining activities.)
 2. A complete and accurate Notice of Intent to conduct small mining operations (the NOI must designate which 5-acre parcel will be covered by the bond and permit – no mining may take place outside of that parcel until and unless the permit is modified and the bond is adjusted.)
 3. A bond in the amount of \$25,100.
 4. A signed Reclamation Contract (contract must arrive in time to be signed by the Division Director, or designee).
- As soon as TM Crushing provides an accurate map delineating the exempted operations from the mining operations, they may operate as usual in the

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exempted areas, which will have no further obligation under the cessation order.

If you wish to appeal this Order, you may do so by contacting the Division within 30 days of receipt. Please contact Vickie Southwick at (801) 538-5304. If you have any questions regarding this letter, please contact Dana Dean at (801) 538-5320 or Paul Baker at (801) 538-5261.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dana Dean', with a long horizontal line extending to the right.

Dana Dean
Associate Director

DD:eb

cc:

Paul Baker, DOGM
Lynn Kunzler, DOGM
Peter Brinton, DOGM

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